HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7855 of 2007

Dated:17.04.2007

Between:

Kurnool District Government Class IV Employees Co-operative House Building Society Limited and another.

…Petitioners

and

District Collector, Kurnool District, and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7855 of 2007

ORDER:

Kurnool District Government Class-IV Employees Co-operative House Building Society Limited and its President are the petitioners. They seek a writ of *mandamus* declaring the action of the respondents in not removing the encroachments and huts erected on the land earmarked as park in the lay out comprised in survey No.692, Kurnool District, as illegal and arbitrary. They also seek a consequential direction to the respondents to remove the encroachments from the land.

It is the case of the petitioners that the land in survey No.692 in Kurnool District, was acquired by the Government for providing house sites to class-IV Government employees. After allotment of the land, the lay out was got approved and plots were allotted to all the members. It is alleged that in 2005, third parties encroached the park area and erected huts. The petitioners approached revenue authorities and municipal authorities for redressal requesting to remove the illegal encroachments. They also filed applications before the Andhra Pradesh Legal Services Authority, in vain. Ultimately, they approached the District Collector on 07.04.2007 requesting to initiate action for removing encroachments. As there was no response, they filed the instant Writ Petition.

Even according to the petitioners, they approached the District Collector, recently on 07.04.2007. Their grievance, therefore, has to be looked into by the District Collector. This Court cannot grant any

direction as prayed for. This Court does not find any gross arbitrariness on the part of the revenue authorities in not acting on the representation of the petitioners. Further, if the land is already assigned and the first petitioner is the owner of the land, nothing prevents it from filing a suit for evicting the trespassers, especially when the land allegedly trespassed is earmarked as park.

The Writ Petition is misconceived and the same is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

17.04.2007
GJ